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United Nations Decade of International Law

Report of the Sixth Committee

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I. Introduction

1. The item entitled:

"United Nations Decade of International Law:

"(a) United Nations Decade of International Law;

"(b) Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference"

was included in the agenda of the fifty-fourth session of the General Assembly in accordance with Assembly resolutions 53/100 and 53/99 of 8 December 1998.

2. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 8th to 10th and 33rd meetings, on 18 and 19 October and 15 November 1999. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/54/SR.8-10 and 33).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the United Nations Decade of International Law (A/54/362 and Add.1);

(b) Letter dated 17 May 1999 from the Permanent Representative of Bangladesh to the United Nations addressed to the Secretary-General, transmitting the text of the Hague Agenda for Peace and Justice for the Twenty-first Century, adopted by the Hague Appeal for Peace Conference, held at The Hague from 12 to 15 May 1999 (A/54/98);

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(c) Letter dated 10 September 1999 from the Permanent Representatives of the Netherlands and the Russian Federation to the United Nations addressed to the Secretary-General, transmitting the report on the conclusions of the centennial of the first International Peace Conference, which emerged from the Expert Meeting held in The Hague on 18 and 19 May 1999 and the International Conference "Centennial of the Russian Initiative: From the First Peace Conference, 1899 — to the Third, 1999", held in Saint Petersburg, Russian Federation, from 22 to 25 June 1999 (A/54/381);

(d) Letter dated 15 October 1999 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General (A/54/473).

5. The General Assembly, in its resolution 53/100, had requested the Working Group on the United Nations Decade of International Law to continue its work at the fifty-fourth session in accordance with its mandate and methods of work. Pursuant to that request, the Sixth Committee, at its 2nd meeting, on 27 September, elected Mrs. Socorro Flores (Mexico) Chairperson of the Working Group for the session. The Working Group held 12 meetings, from 18 October to 10 November.

6. At the 33rd meeting of the Committee, on 15 November, the Chairperson of the Working Group presented an oral report on the work accomplished by the Working Group (see A/C.6/54/SR.33).

II. Consideration of proposals

A. Draft resolution A/C.6/54/L. 9

7. At the 33rd meeting, on 15 November, the Chairperson of the Working Group on the United Nations Decade of International Law introduced a draft resolution entitled "Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference" (A/C.6/54/L.9) and orally revised the seventh preambular paragraph by replacing the word "interpretation" by the word "implementation".

8. At the same meeting, the Committee adopted draft resolution A/C.6/54/L.9, as orally revised, without a vote (see para. 15, draft resolution I).

B. Draft resolution A/C.6/54/L.10

9. At the 33rd meeting, on 15 November, the Chairperson of the Working Group on the United Nations Decade of International Law introduced a draft resolution entitled "United Nations Decade of International Law" (A/C.6/54/L.10).

10. At the same meeting, the Chairperson of the Working Group orally revised the text of the draft resolution as follows:

(a) In the sixth preambular paragraph:

(i) The words ", *inter alia*," were inserted between the word "*Recognizing*" and the words "that the establishment";

(ii) The words "the International Tribunals for the former Yugoslavia and for Rwanda in 1993 and 1994, respectively," were substituted by the words "the International Tribunal for the Former Yugoslavia in 1993, the International Tribunal for Rwanda in 1994,";

(b) In the eleventh preambular paragraph, the word "Movement" was deleted after the word "Red Crescent";

(c) In the fourteenth preambular paragraph the words "plenary meeting of the" before the words "General Assembly" and the word "held" after the words "General Assembly" were deleted;

(d) After operative paragraph 15, a new operative paragraph 16 was inserted, reading:

"*Recalls* that States have the obligation to solve their disputes by peaceful means, including resort to the International Court of Justice, and that one of the main purposes of the Decade is to promote the full respect for the Court, in accordance with the relevant provisions of the Charter,";

(e) Existing paragraphs 16 to 20 were renumbered as paragraphs 17 to 21.

11. Also at the 33rd meeting, the representative of Cameroon submitted an amendment (A/C.6/54/L.18) to draft resolution A/C.6/54/L.10, by which a new operative paragraph 16 would be inserted after operative paragraph 15, reading:

"*Recalls* that, under Article 94 of the Charter of the United Nations, each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party;".

12. At the same meeting, the representative of Cameroon withdrew the amendment (A/C.6/54/L.18) to the draft resolution.

13. The representatives of Côte d'Ivoire, Nigeria and Solomon Islands made statements in explanation of their respective positions before action was taken on the draft resolution (see A/C.6/54/SR.33).

14. Also at the same meeting, the Committee adopted draft resolution A/C.6/54/L.10, as orally revised, without a vote (see para. 15, draft resolution II).

III. Recommendations of the Sixth Committee

15. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Outcome of the action dedicated to the 1999 centennial of the first International Peace Conference

The General Assembly,

Reaffirming the commitment of the United Nations and its Member States to the adherence to and the development of international law as a basis for conducting international relations,

Recognizing the historical importance of the 1899 first International Peace Conference for the rule of international law, the peaceful settlement of disputes, the development and codification of international law and the practice of multilateral diplomacy,

Recalling that, in accordance with its previous resolutions,[1] the centennial of the first International Peace Conference coincides with the closing of the United Nations Decade of International Law and could be considered as a third international peace conference,

Recalling also that the United Nations Decade of International Law will be closed at a plenary meeting of the General Assembly on 17 November 1999,

Recalling with gratitude the initiatives[2] for the celebration of the centennial of the first International Peace Conference by the Governments of the Russian Federation and the Kingdom of the Netherlands with regard to the themes of the Conference: development of international law relating to disarmament and arms control, humanitarian law and laws of war, and peaceful settlement of disputes,

Recalling further that these initiatives called for, *inter alia*, discussions on these themes on the basis of in-depth reports at the global, regional and national levels by intergovernmental, governmental, diplomatic, academic and civil society[3] experts at conferences, seminars and other meetings as well as through the Internet, to be reported on to the General Assembly for consideration at its fifty-fourth session,

Noting that the general outcome of these discussions was that, while progressive development and codification of international law remains important, the furtherance of the rule of international law would best be served by the faithful compliance of States with existing international obligations, focusing more on the timely implementation of these obligations,

Noting also that the year 1999 marks the fiftieth anniversary of the adoption of the four Geneva Conventions of 12 August 1949,

Noting further that the Permanent Court of Arbitration was established as a result of the first International Peace Conference in 1899,

Convinced that the legacies of the first International Peace Conference have been enhanced by the centennial initiatives and by the plenary meeting of the General Assembly at the closing of the United Nations Decade of International Law,

1. *Takes note with interest* of the outcome of the centennial of the first International Peace Conference, reported by the co-hosts, the Governments of the Kingdom of the Netherlands and the Russian Federation;[4]

2. *Commends* all who, through their efforts, wisdom and expertise, contributed to the success of the celebration of the centennial of the first International Peace Conference;

3. *Commends* the International Committee of the Red Cross for its work in promoting adherence to and compliance with the four Geneva Conventions of 12 August 1949 and other instruments of international humanitarian law;

4. *Congratulates* the Permanent Court of Arbitration on its one hundredth anniversary;

5. *Expresses its appreciation* to the Secretary-General for bringing the outcome of the centennial of the first International Peace Conference to the attention of the relevant international forums;

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[1] Resolutions 44/23, 51/157, 52/153 and 53/100.

[2] Resolutions 51/159, 52/154 and 53/99; A/C.6/52/3, A/C.6/53/10, A/C.6/53/11.

[3] cf. The Hague Agenda for Peace and Justice in the Twenty-first Century (A/54/98, annex).

[4] A/54/381, annex.

6. *Invites* States, organs of the United Nations, international organizations and other relevant international forums to take note of the outcome of the centennial of the first International Peace Conference and to consider, where appropriate:

(a) Giving attention to the outcome of the thematic discussions within the sphere of their respective competencies or mandates;

(b) Making use in the future of the format of the discussions of the centennial of the first International Peace Conference in accordance with any relevant rules and procedures;

7. *Invites*:

(a) The Governments of the Russian Federation and the Kingdom of the Netherlands to file the records of the centennial of the first International Peace Conference in their archives and to provide access to these records to interested parties;

(b) All who contributed to the centennial of the first International Peace Conference to file their records in this respect with either of these Governments.

Draft resolution II
United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to its resolution 44/23, should be, *inter alia*:

(a) To promote acceptance of and respect for the principles of international law,

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice,

(c) To encourage the progressive development of international law and its codification,

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Noting the conclusion of the United Nations Decade of International Law,

Reaffirming its resolution 53/101 of 8 December 1998, entitled "Principles and guidelines for international negotiations", adopted within the framework of the Decade,

Greatly encouraged by the significant achievements in the development and promotion of international law which occurred during the Decade, which has contributed to the strengthening of the rule of international law,

Recognizing that, *inter alia*, the establishment of the International Tribunal for the Former Yugoslavia in 1993, the International Tribunal for Rwanda in 1994 and the International Tribunal for the Law of the Sea in 1996 and the adoption of the Rome Statute of the International Criminal Court in 1998 constitute significant events within the Decade;

Recognizing also efforts made during the Decade by Legal Advisers of the Ministries of Foreign Affairs worldwide to create a common understanding of their role through annual informal consultations at the Headquarters of the United Nations,

Convinced that the end of the Decade affords the international community an opportunity to reflect on those achievements and that States, international organizations

and educational institutions should continue to encourage and promote activities in the legal field aimed at contributing to its main purposes,

Convinced also of the need to continue aiming towards the implementation of the main purposes of the Decade,

Welcoming the significant increase in the recourse to the International Court of Justice by States for the settlement of disputes,

Noting that international humanitarian law has been an important topic during the United Nations Decade of International Law, and mindful of the contributions made in this field by the International Committee of the Red Cross and the International Red Cross and Red Crescent Conferences,

Noting also that the year 1999 marks the fiftieth anniversary of the adoption of the four Geneva Conventions of 12 August 1949,

Expressing its appreciation to the Governments of the Russian Federation and the Kingdom of the Netherlands for their efforts in realization of the programme of action dedicated to the centennial of the first International Peace Conference which could be regarded as a significant contribution to the United Nations Decade of International Law,

Taking note with interest of the consideration of the outcome of the actions dedicated to the 1999 centennial of the first International Peace Conference in the General Assembly during its fifty-fourth regular session,

Expressing its gratitude to the rapporteurs and all organizations, groups and individuals who contributed to the discussion of the centennial themes,

Having considered the report of the Secretary-General,[5] and expressing its appreciation therefor,

Noting the deposit by the Secretary-General, on 21 December 1998, of an act of formal confirmation, on behalf of the United Nations, of the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations of 21 March 1986,

Welcoming the progress that has been made towards eliminating the backlog in the publication of the United Nations *Treaty Series* by the implementation of a plan to be completed in 2001, and stressing the need for the elimination of such a backlog, as well as for a comprehensive electronification of the work of the Treaty Section of the Office of Legal Affairs of the Secretariat,

Recalling that, at the forty-fifth session of the General Assembly, the Sixth Committee established the Working Group on the United Nations Decade of International Law,

Noting that the Working Group continued its work during the fifty-fourth session in accordance with resolution 53/100,

Having considered the oral report of the Chairperson of the Working Group to the Sixth Committee,

1. *Expresses its appreciation* for the work done by the Working Group on the United Nations Decade of International Law;

2. *Acknowledges* that the Decade has contributed significantly to the strengthening of the rule of international law;

[5] A/54/362 and Add.1.

3. *Reaffirms* the continued validity of the main objectives of the Decade, the fulfilment of which is essential to achieve the purposes of the United Nations;

4. *Expresses its appreciation* to States and international organizations and institutions that have undertaken activities in the implementation of the programme for the activities for the final term (1997-1999) of the Decade;

5. *Requests* the Secretary-General to continue developing the Treaty Section electronic database, with a view to providing Member States expeditiously with a wider range of easily accessible treaty-related information on the electronic medium, and to keep the list, now available on the Internet, of the titles of the multilateral treaties deposited with him updated in all official languages of the Organization;

6. *Urges* States and international organizations, in particular depositaries, to continue assisting the Secretariat of the United Nations in its efforts to expedite the registration of treaties and their publication by providing it with paper copies of treaties, or electronic copies, including maps, for registration and, wherever possible, translations of treaties in English or French;

7. *Requests* the Secretary-General to implement vigorously the plan to eliminate the backlog in the publication of the United Nations *Treaty Series*, and highlights, in this context, the relevance of timely translations;

8. *Expresses its appreciation* to the Office of Legal Affairs of the Secretariat for the establishment during the Decade of various Internet Web sites and the United Nations Audiovisual Library in International Law, and takes note of its efforts to maintain those sites and the Library;

9. *Notes* the publication by the Office of Legal Affairs of the Secretariat of the *Collection of Essays by Legal Advisers of States, Legal Advisers of International Organizations and Practitioners in the Field of International Law* and its intention to issue in 2000 two publications entitled *International Instruments related to the Prevention and Suppression of International Terrorism* and *The United Nations and the Development of International Law during the 1990s* to highlight the work accomplished in this area during the Decade;

10. *Invites* States, organs of the United Nations, international organizations and other relevant international forums to continue to give attention to the themes and outcome of the centennial of the first International Peace Conference;

11. *Congratulates* the Permanent Court of Arbitration on its one hundredth anniversary, commends that organization for its role in the international system of peaceful dispute resolution, and invites States to consider making full use of the facilities of the Court and to support its work;[6]

12. *Expresses its appreciation* to the International Committee of the Red Cross for the activities undertaken in the field of international humanitarian law, including with regard to the protection of the environment in times of armed conflict;

13. *Invites* States and international organizations to continue promoting the acceptance of and respect for the rules and principles of international law;

14. *Welcomes* the achievements during the Decade in the codification and progressive development of international law, and calls upon States, in order to contribute further to the rule of international law, to consider, if they have not yet done so, becoming

[6] A/54/381, annex, para. 9.

parties to the multilateral treaties adopted during the Decade, including those listed in the annex to the report of the Secretary-General;[1]

15. *Invites* States and international organizations to continue promoting the strengthening of the use of means and methods of peaceful settlement of disputes;

16. *Recalls* that States have the obligation to solve their disputes by peaceful means, including resort to the International Court of Justice, and that one of the main purposes of the Decade is to promote the full respect for the Court in accordance with the relevant provisions of the Charter;

17. *Invites* States to continue to pay attention to the identification of areas of international law that might be ripe for progressive development or codification, and to promote discussion thereon in the competent forums;

18. *Invites* States and international organizations to continue encouraging the publication of books or other materials on subjects of international law and the holding of symposia, conferences, seminars or other meetings aimed at promoting a wider appreciation of international law;

19. *Invites* States to continue encouraging educational institutions to introduce or increase the number of courses of international law;

20. *Requests* the Secretary-General to bring the present resolution to the attention of States, international organizations and institutions working in the field of international law;

21. *Decides* to continue considering developments in the progress made in the implementation of the purposes of the Decade beyond its conclusion, in the framework of the agenda item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".